

DECLARATION, POWER OF ATTORNEY AND PETITION

We, Wade W. Henriksen and Craig A. Nielsen, declare: that we are citizens of the United States of America; that our residence and post office addresses are 3652 Julius Court, Las Vegas, Nevada 89129 and 888 E. Ranch Circle, Draper, Utah 84020, respectively; that we verily believe we are the original, first, and joint inventors of the subject matter of the invention or discovery entitled "APPARATUS AND METHODS FOR MAKING FROZEN FOOD PRODUCTS," for which a patent is sought and which is described and claimed in the specification attached hereto; that we have reviewed and understand the contents of the above-identified specification, including the claims; and that we acknowledge the duty to disclose to the Patent and Trademark Office all information known to us to be material to patentability as defined in Section 1.56 of Title 37 of the Code of Federal Regulations.

We declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and, further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

We hereby appoint as our attorneys/agents

Dale E. Hulse, Registration No. 29,654
Berne S. Broadbent, Registration No. 30,550
Todd E. Zenger, Registration No. 33,610
Michael F. Krieger, Registration No. 35,232
Stephen H. Bean, Registration No. 41,607
Michael M. Conger, Registration No. 43,562
Julie H. Gheem, Registration No. 47,592
Christopher L. Johnson, Registration No. 46,809


with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. All correspondence and telephonic communications should be directed to:

Berne S. Broadbent
KIRTON & McCONKIE
1800 Eagle Gate Tower
60 East South Temple Street
P.O. Box 45120
Salt Lake City, Utah 84145-0120

Telephone: (801) 328-3600

Wherefore, we pray that Letters Patent be granted to us for the invention or discovery described and claimed in the foregoing specification and claims, declaration, power of attorney, and this petition.

Signed at Salt Lake City, Utah this 4 day of January, 2002.


Wade W. Henriksen
3652 Julius Court
Las Vegas, Nevada 89129

Signed at Salt Lake City, Utah this 4 day of January, 2002.



Craig A. Nielsen
888 E. Ranch Circle
Draper, Utah 84020

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DECLARATION CLAIMING SMALL ENTITY STATUS
FOR A SMALL BUSINESS CONCERN

I, Craig A. Nielsen, hereby declare: that I am President of Zippy Freeze, a corporation of the state of Nevada having a principal place of business at 3652 Julius Court, Las Vegas, Nevada 89129; that I am empowered to act on behalf of Zippy Freeze; and that Zippy Freeze qualifies as a small business concern as defined in 13 C.F.R. part 121 and as referenced in 37 C.F.R. § 1.9(d), for purposes of paying reduced fees to the Patent and Trademark Office under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of Zippy Freeze, including those of its affiliates, does not exceed 500 persons. I understand that, for purposes of this declaration, (i) the number of employees is the average over the previous fiscal year of the number of persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (ii) two business concerns are considered to be affiliates of each other when one business concern either directly or indirectly controls or has the power to control the other, or when a third party or parties control or have the power to control both business concerns.

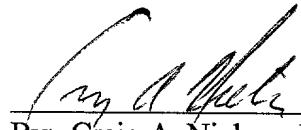
I further declare that all rights, title, and interest relating to the invention entitled APPARATUS AND METHODS FOR MAKING FROZEN FOOD PRODUCTS, invented by Wade W. Henriksen and Craig A. Nielsen, as described in the patent application filed concurrently herewith, have been conveyed to and currently remain with Zippy Freeze.

I acknowledge the duty to file, in the above-mentioned application or any patent issued in respect thereof, notification of any change in status resulting in loss of entitlement

to small entity status prior to paying, or at the time of paying, the earliest of (1) the issue fee or (2) any maintenance fee due after the date on which status as a small entity is no longer appropriate. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and, further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Signed at Salt Lake City, Utah this 4 day of January, 2002.

Zippy Freeze


By: Craig A. Nielsen, President

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